

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

Claim 1 (original): A method of preparing a blended reagent in an automated biological reaction apparatus including:

ascertaining whether a blended reagent is required,  
preparing the blended reagent before its application is required.

Claim 2 (currently amended): The method of ~~claim 1~~claim 1, wherein the apparatus ascertains the components required for preparation of the blended reagent are available by automatically determining the contents of reagent containers on the apparatus.

Claim 3 (currently amended): The method of claim 1, ~~or 2~~ wherein the apparatus determines whether blended reagent is required by automatically determining the protocol required for each slide loaded in the apparatus, and determining the reagents required from the protocols.

Claim 4 (currently amended): The method of ~~any one of claims 1-3~~claim 1, wherein reagent is moved by a dispenser attached to a robotic arm for the reagent containers to the mixing vial.

Claim 5 (currently amended): The method of ~~one of the preceding claims~~ claim 1, wherein the dispenser mixes components of the blended reagent together in a mixing vial.

Claim 6 (original): The method of claim 5 wherein the mixing is accomplished by dispensing the components of the reagent into the mixing vial, withdrawing fluid from the mixing vial, and re-dispensing the fluid into the mixing vial to promote mixing of the components of the reagent.

Claim 7 (currently amended): The method of ~~any preceding claim~~ 1, wherein the step of ascertaining whether a blended reagent is required involves requesting information from a remote computer holding information regarding the protocol to be applied to the slides.

Claim 8 (currently amended): A method of scheduling application of reagent to a number of slides in an automated biological reaction apparatus including:

grouping at least one group of slides together as a batch;  
ascertaining whether a blended reagent is to be applied to any slide within the batch; and  
scheduling the step of preparing the blended reagent before the step of applying the blended reagent to the slide.

Claim 9 (original): The method of claim 8 wherein the scheduling involves diving steps to be undertaken in the batch ascertaining which step requires the application of blended

Preliminary Amendment  
Filed: September 29, 2005  
SUGHRUE MION, PLLC Ref: Q90647

reagent, and inserting the step of producing the blended reagent before the application of the reagent is required.

Claim 10 (original): The method of claim 9 wherein a number of trays are loaded into the apparatus, each tray holding a plurality of slides.

Claim 11 (original): The method of claim 10 wherein the slides of each tray are grouped together as a batch.

Claim 12 (currently amended): The ~~claim~~method of claim 11, wherein the step of extracting the reagent to make the blended reagent is classified a batch and scheduled in with the other batches.

Claim 13 (original): An automated biological reaction apparatus having a mixing vessel, reagent containers, a robotic arm having a dispenser for dispensing fluid from reagent containers to slides or mixing vials, a mixing vial and a controlling computer.

Claim 14 (original): A mixing vial having a mount, a plurality of mixing chambers, and an identification means.